



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,604	05/18/2004	Jui-Chiang Lin	LITP0026USA	3603
27765	7590	01/18/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			KAYRISH, MATTHEW	
			ART UNIT	PAPER NUMBER
			2653	
DATE MAILED: 01/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,604

Applicant(s)

LIN, JUI-CHIANG

Examiner

Matthew G. Kayrish

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eum (US Patent Number 6928045), in view of Yeh (US Publication Number 2002/0191531).
3. Regarding claim 1, Eum et al disclose:

A floating-type clamping mechanism for use in an optical disk drive comprising:

A clamping body (figure 3, item 141);

A clamping yoke comprising a first central hole (figure 3, item 145);

A central clamping element for combining with the clamping yoke by passing through the first central hole (figure 3, item 132);

A magnetic element comprising a second central hole for holding the central clamping element and combining with the clamping yoke (figure 3, item 144);

Eum fails to disclose:

A plurality of elastic elements fixed to the clamping body and the clamping yoke.

Yeh et al disclose:

A plurality of elastic elements fixed to the clamping body and the clamping yoke (figure 3, item 42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Eum with elastic members, as taught by Yeh et al, in order to provide the clamping device with a variable clamping force.

4. Regarding claims 2 and 6, Eum et al disclose:

The floating-type clamping mechanism of claim 1 wherein the magnetic element is a magnet (column 3, line 39).

5. Regarding claim 3, Eum et al disclose:

The floating-type clamping mechanism of claim 1 wherein the clamping yoke further comprises a plurality of connecting holes and the clamping body comprises a plurality of connecting holes positioned correspondingly to the plurality of connecting holes of the clamping yoke and the plurality of elastic elements are connected to the plurality of connecting holes of the clamping yoke and the plurality of connecting holes of the clamping body (figure 7, item 146, connections must be holes).

6. Regarding claims 4, 5, 7 and 8, the combination of Eum et al, in view of Yeh et al disclose:

The floating-type clamping mechanism of claim 1 wherein when an optical disk is loaded into the optical disk drive, the magnetic element of the floating-type clamping mechanism attracts a magnetic element on a turntable of the optical disk drive for fixing the optical disk (column 1, lines 26-43);

When the optical disk is ejected from the optical disk drive, the magnetic element of the floating-type clamping mechanism separates from the magnetic element on the turntable of the optical disk drive and the magnetic element of the floating-type clamping mechanism separates from the clamping body by the elastic force of the plurality of elastic elements (Inherent in the combination).

Conclusion

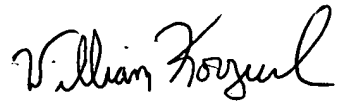
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2653

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MK

1-10-2006


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600